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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,391	07/18/2005	Werner Jacob	JACOB W 2 PCT	6061
25889 7590 10/18/2007 WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER BINDA, GREGORY JOHN	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/524,391	Applicant(s) JACOB, WERNER	
	Examiner Greg Binda	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/24/07</u> . | 6) <input type="checkbox"/> Other: _____  |

*Information Disclosure Statement*

1. The information disclosure statement filed September 24, 2007 fails to comply with the provisions of 37 CFR 1.98(b) because the reference titled "International Search Report" is not identified with a publication date. The reference has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.04(a) ¶ I.

*Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffer, US 3,132,494. Fig. 1 shows a longitudinal shaft for use in automobiles having all wheel drive comprising:

a gearbox-side articulation 8, 9 having a first inner hub 2 and a first outer hub (the left end of the element 7) at least partially surrounding the first inner hub;

a differential-side articulation 8, 9 having a second inner hub 2 and a second outer hub (the right end of the element 6) at least partially surrounding the second inner hub;

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a central articulation 10, 11 having a third inner hub (the left end of the element 6) and a third outer hub (the right end of the element 7) at least partially surrounding the third inner hub at least in some regions; and

a first shaft segment (the middle portion of the element 7) and a second shaft element (the middle portion of the element 6) connected with one another so as to rotate together by way of the central articulation;

wherein each of the first and second inner hubs has a respective central bore provided with a plug-in connection 5 to connect the longitudinal shaft for integral rotation and to center the longitudinal shaft on journals of a gearbox output shaft and a differential input shaft, respectively.

4. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher, US 3,714,797. Fig. 2 shows a longitudinal shaft for use in automobiles having all wheel drive comprising:

a gearbox-side sliding articulation having a first inner hub 10 and a first outer hub 11 at least partially surrounding the first inner hub;

a differential-side sliding articulation having a second inner hub 10 and a second outer hub 11 at least partially surrounding the second inner hub;

a shaft segment 43 connected with the first and second outer hubs so as to rotate together;

wherein each of the first and second inner hubs has a respective central bore 17 provided with a plug-in connection 5 (see "splined connection" at col. 2, line 62) to connect the

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longitudinal shaft for integral rotation and to center the longitudinal shaft on journals of a gearbox output shaft and a differential input shaft, respectively.

5. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Schreiber, US 4,892,433. The figure shows a longitudinal shaft for use in automobiles having all wheel drive comprising:

a gearbox-side articulation 4 having a first inner hub and a first outer hub 9 at least partially surrounding the first inner hub;

a differential-side sliding articulation 5 having a second inner hub and a second outer hub 10 at least partially surrounding the second inner hub;

a shaft segment 1 connected with the first and second outer hubs so as to rotate together;

wherein each of the first and second inner hubs has a respective central bore provided with a plug-in connection to connect the longitudinal shaft for integral rotation and to center the longitudinal shaft on journals of a gearbox output shaft and a differential input shaft, respectively.

*Allowable Subject Matter*

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Greg Binda  
Primary Examiner  
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